

Union Calendar No. 350

107TH CONGRESS
2D SESSION

H. R. 521

[Report No. 107-584]

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2001

Mr. UNDERWOOD introduced the following bill; which was referred to the Committee on Resources

JULY 17, 2002

Additional sponsors: Mr. RAHALL, Mr. CONYERS, Mr. FRANK, Mr. ABERCROMBIE, and Mr. ACEVEDO-VILÁ

JULY 17, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 7, 2001]

A BILL

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. JUDICIAL STRUCTURE OF GUAM.**

2 (a) *JUDICIAL AUTHORITY; COURTS.*—Section 22(a) of
 3 the Organic Act of Guam (48 U.S.C. 1424(a)) is amended
 4 to read as follows:

5 “(a)(1) The judicial authority of Guam shall be vested
 6 in a court established by Congress designated as the ‘Dis-
 7 trict Court of Guam’, and a judicial branch of Guam which
 8 branch shall constitute a unified judicial system and in-
 9 clude an appellate court designated as the ‘Supreme Court
 10 of Guam’, a trial court designated as the ‘Superior Court
 11 of Guam’, and such other lower local courts as may have
 12 been or shall hereafter be established by the laws of Guam.

13 “(2) The Supreme Court of Guam may, by rules of
 14 such court, create divisions of the Superior Court of Guam
 15 and other local courts of Guam.

16 “(3) The courts of record for Guam shall be the District
 17 Court of Guam, the Supreme Court of Guam, the Superior
 18 Court of Guam (except the Traffic and Small Claims divi-
 19 sions of the Superior Court of Guam) and any other local
 20 courts or divisions of local courts that the Supreme Court
 21 of Guam shall designate.”.

22 (b) *JURISDICTION AND POWERS OF LOCAL COURTS.*—
 23 Section 22A of the Organic Act of Guam (48 U.S.C. 1424–
 24 1) is amended to read as follows:

1 “SEC. 22A. (a) *The Supreme Court of Guam shall be*
2 *the highest court of the judicial branch of Guam (excluding*
3 *the District Court of Guam) and shall—*

4 “(1) *have original jurisdiction over proceedings*
5 *necessary to protect its appellate jurisdiction and su-*
6 *pervisory authority and such other original jurisdic-*
7 *tion as the laws of Guam may provide;*

8 “(2) *have jurisdiction to hear appeals over any*
9 *cause in Guam decided by the Superior Court of*
10 *Guam or other courts established under the laws of*
11 *Guam;*

12 “(3) *have jurisdiction to issue all orders and*
13 *writs in aid of its appellate, supervisory, and origi-*
14 *nal jurisdiction, including those orders necessary for*
15 *the supervision of the judicial branch of Guam;*

16 “(4) *have supervisory jurisdiction over the Supe-*
17 *rior Court of Guam and all other courts of the judi-*
18 *cial branch of Guam;*

19 “(5) *hear and determine appeals by a panel of*
20 *three of the justices of the Supreme Court of Guam*
21 *and a concurrence of two such justices shall be nec-*
22 *essary to a decision of the Supreme Court of Guam*
23 *on the merits of an appeal;*

24 “(6) *make and promulgate rules governing the*
25 *administration of the judiciary and the practice and*

1 *procedure in the courts of the judicial branch of*
2 *Guam, including procedures for the determination of*
3 *an appeal en banc; and*

4 “(7) govern attorney and judicial ethics and the
5 *practice of law in Guam, including admission to*
6 *practice law and the conduct and discipline of per-*
7 *sons admitted to practice law.*

8 “(b) *The Chief Justice of the Supreme Court of*
9 *Guam—*

10 “(1) *shall preside over the Supreme Court unless*
11 *disqualified or unable to act;*

12 “(2) *shall be the administrative head of, and*
13 *have general supervisory power over, all departments,*
14 *divisions, and other instrumentalities of the judicial*
15 *branch of Guam; and*

16 “(3) *may issue such administrative orders on be-*
17 *half of the Supreme Court of Guam as necessary for*
18 *the efficient administration of the judicial branch of*
19 *Guam.*

20 “(c) *The Chief Justice of the Supreme Court of Guam,*
21 *or a justice sitting in place of such Chief Justice, may make*
22 *any appropriate order with respect to—*

23 “(1) *an appeal prior to the hearing and deter-*
24 *mination of that appeal on the merits; or*

1 “(2) dismissal of an appeal for lack of jurisdic-
2 tion or failure to take or prosecute the appeal in ac-
3 cordance with applicable laws or rules of procedure.

4 “(d) Except as granted to the Supreme Court of Guam
5 or otherwise provided by this Act or any other Act of Con-
6 gress, the Superior Court of Guam and all other local courts
7 established by the laws of Guam shall have such original
8 and appellate jurisdiction over all causes in Guam as the
9 laws of Guam provide, except that such jurisdiction shall
10 be subject to the exclusive or concurrent jurisdiction con-
11 ferred on the District Court of Guam under section 22 of
12 this Act.

13 “(e) The qualifications and duties of the justices and
14 judges of the Supreme Court of Guam, the Superior Court
15 of Guam, and all other local courts established by the laws
16 of Guam shall be governed by the laws of Guam and the
17 rules of such courts.”.

18 (c) *TECHNICAL AMENDMENTS.*—(1) Section 22C(a) of
19 the Organic Act of Guam (48 U.S.C. 1424–3(a)) is amended
20 by inserting “which is known as the Supreme Court of
21 Guam,” after “appellate court authorized by section 22A(a)
22 of this Act,”.

23 (2) Section 22C(d) of the Organic Act of Guam (48
24 U.S.C. 1424–3(d)) is amended—

1 (A) by inserting “, which is known as the Su-
2 preme Court of Guam,” after “appellate court pro-
3 vided for in section 22A(a) of this Act”; and

4 (B) by striking “taken to the appellate court”
5 and inserting “taken to such appellate court”.

6 **SEC. 2. APPEALS TO UNITED STATES SUPREME COURT.**

7 Section 22B of the Organic Act of Guam (48 U.S.C.
8 1424–2) is amended by striking “: Provided, That” and all
9 that follows through the end and inserting a period.

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